



San Diego County Sheriff's Department *Legal Affairs Unit*

Sheriff's Management Update

Robert Faigin, Director/Chief Legal Advisor
Jon Yu, Legal Advisor
Mandy Lomnicky, Legal Advisor
Mike Baranic, Legal Advisor
Christine Lawyer, Paralegal
Nina Mascardo, Administrative Secretary

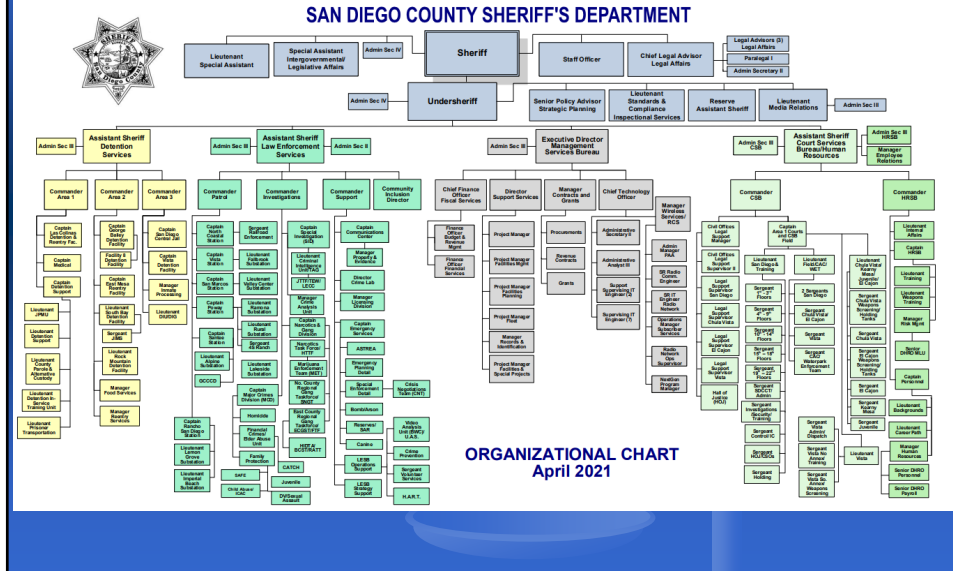
1



What is the Legal Affairs Unit

2

What is the Legal Affairs Unit



3

Who Comprises the Legal Affairs Unit

4 Lawyers vs. 4000 employees
Robert Faigin
Director of Legal Affairs/
Chief Legal Advisor

4



Who Comprises the Legal Affairs Unit

4 Lawyers vs. 4000 employees

Jon Yu
Legal Advisor

5



Who Comprises the Legal Affairs Unit

4 Lawyers vs. 4000 employees

Mandy Lomnicky
Legal Advisor

6



Who Comprises the Legal Affairs Unit

4 Lawyers vs. 4000 employees
Mike Baranic
Legal Advisor/(Director in waiting)

7



Christine Lawyer, Paralegal

Who Comprises the Legal Affairs Unit

Nina Mascardo, Admin. Secretary II



8

Who can request services from Legal Affairs?



9

Who can request services from Legal Affairs?

- P&P section 1.13:
 - In order to promote efficiency and consistency, all requests for legal services, opinions, and inquiries must go through the chain of command, up to the level of Captain, watch commander, or professional staff equivalents. However, notifications mandated by P&P sections 6.123 and 6.124 (summons, complaints, subpoenas) should be forwarded to the Legal Affairs Unit directly.

10



11

Review Disciplinary Recommendations:
Review every recommendation for discipline 15 days and over.
Why?

WHAT DO WE DO?

A faint scale of justice graphic is visible in the background of the slide, positioned on the right side.

12



Review Disciplinary Recommendations:
When do we review?

WHAT DO WE DO?

13



Review Disciplinary Recommendation (cont.)
What are we looking for?

WHAT DO WE DO?

14

Review Disciplinary Recommendation (cont.)
How long does the review process take?

WHAT DO WE DO?



15

Review Disciplinary Recommendation (cont.)
What happens after it is reviewed?

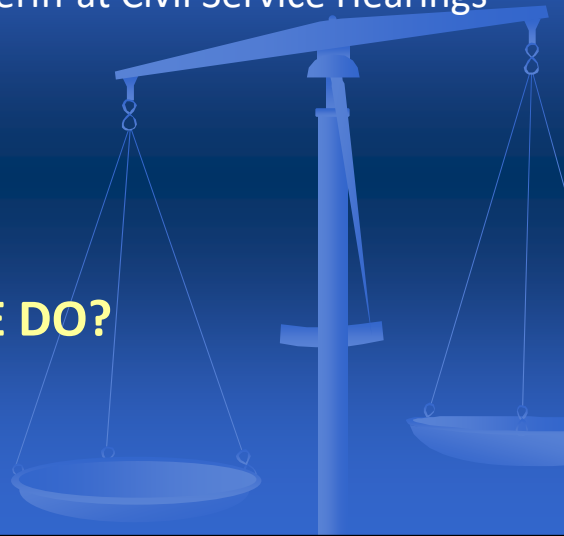
WHAT DO WE DO?



16

Represent the Sheriff at Civil Service Hearings

WHAT DO WE DO?



17

Represent the Sheriff at Civil Service Hearings
(cont.)

There are five civil service commissioners that make up
the Civil Service Commission.

WHAT DO WE DO?



18

Represent the Sheriff at Civil Service Hearings (cont.)

Scheduling can be difficult

WHAT DO WE DO?



19

Represent the Sheriff at Civil Service Hearings (cont.)

Meet with witnesses

WHAT DO WE DO?



20

Represent the Sheriff at Civil Service Hearings (cont.)

Prepare exhibits

WHAT DO WE DO?



21

Represent the Sheriff at Civil Service Hearings (cont.)

Hearing

WHAT DO WE DO?



22

Represent the Sheriff at Civil Service Hearings (cont.)

The decision

WHAT DO WE DO?



23

Represent the Sheriff at Case Evaluation Committee

What is the case evaluation committee?

When is settlement committee?

WHAT DO WE DO?



24

Represent the Sheriff at Case Evaluation Committee
Who from the Department attends?

WHAT DO WE DO?



25

Represent the Sheriff at Case Evaluation Committee
Why do cases settle?

WHAT DO WE DO?

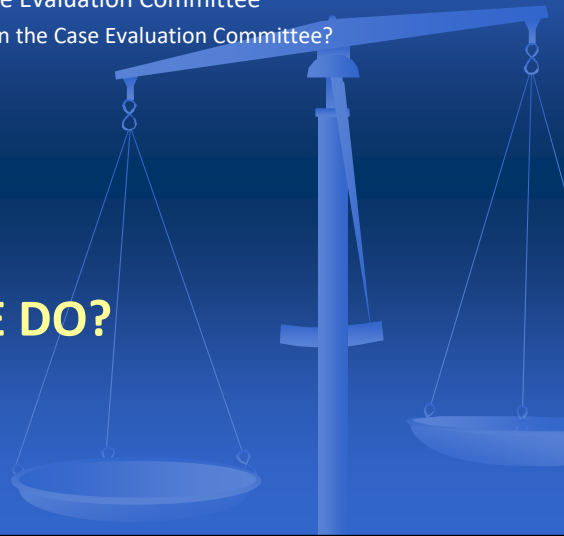


26

Represent the Sheriff at Case Evaluation Committee

What is the Sheriff's role in the Case Evaluation Committee?

WHAT DO WE DO?



27

Represent the Sheriff in closed session with the Board of Supervisors

What is closed session

WHAT DO WE DO?



28

Represent the Sheriff in closed session with the Board of Supervisors
Who is present from the Department?

WHAT DO WE DO?



29

Represent the Sheriff in closed session with
the Board of Supervisors

Can Sheriff stop a case from settling?

WHAT DO WE DO?



30

We attend risk roundtables
What is a risk roundtable?

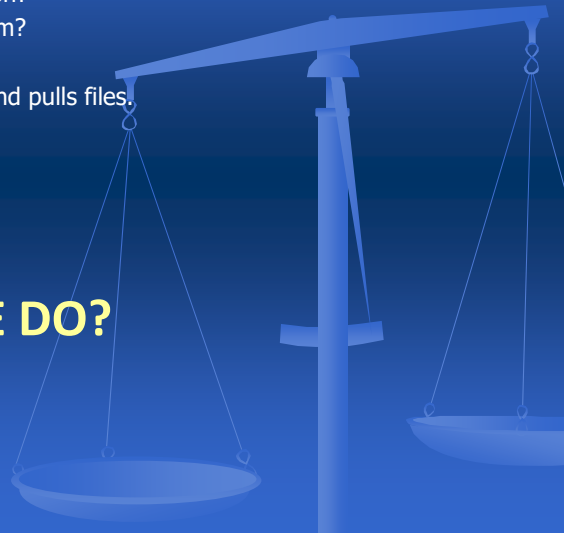
WHAT DO WE DO?



31

We Handle Pitchess Motions
What is a Pitchess Motion?
How do we learn of them?
How do we respond?
IA notifies the deputy and pulls files.

WHAT DO WE DO?



32

We Handle Pitchess Motions
Whose privilege is it?

WHAT DO WE DO?



33

We Handle Pitchess Motions
Legal Standard for Gaining Access

WHAT DO WE DO?

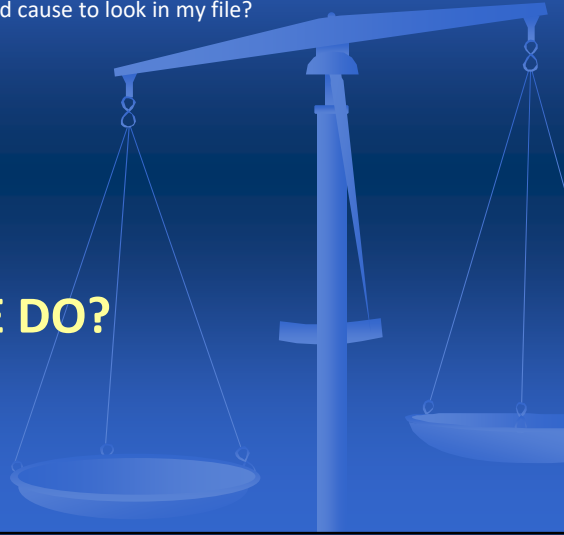


34

We Handle Pitchess Motions

What if they establish good cause to look in my file?

WHAT DO WE DO?



35

We handle Pitchess Motions

What if there is stuff in my file?

WHAT DO WE DO?



36

We handle Pitchess Motions
Who is part of the motion?

WHAT DO WE DO?



37

Member of CIRB
What is CIRB

WHAT DO WE DO?



38

What do we do?

- Member of CIRB
 - Who makes up the Board?
 - A representative from each Bureau and the office of the Sheriff:
 - Commander White – Represents Courts
 - Commander Rylaarsdam – Represents Law Enforcement
 - Commander Buchanan – Represents Detentions
 - Commander Brown-Lisk – Represents Human Resources
 - Director Faigin – Represents the Office of the Sheriff

39

Member of the CIRB
Who else is present?

WHAT DO WE DO?

40

Member of the CIRB
What types of incidents do we review?

WHAT DO WE DO?



41

Member of the CIRB
What happens at the hearing?

WHAT DO WE DO?



42

Member of the CIRB
What happens after the CIRB?

WHAT DO WE DO?



43

Member of the CIRB
What if policy violations are discovered?

WHAT DO WE DO?



44

Member of the CIRB
CIRB recommendations

WHAT DO WE DO?



45

What do we do?

■ Deal with legal papers: Subpoena

CS-198-AV-002

Casey J. Whelan, SEN 05137
1223 Third Avenue
San Diego, CA 92143

Lawyer
Telephone: (619) 243-7233 Fax: (619) 243-7243

Law Firm: Whelan Law Firm
Supreme Court of California, COUNTY OF SAN DIEGO
San Diego County Superior Court
San Diego County Clerk, San Diego, CA 92101
San Diego County Sheriff, San Diego, CA 92101

Case Name: People v. Lindsay Cwikler

ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS:
Subpoena/Deposition/Discovery

Case Number: CB230427

You must attend court or provide to the court the documents listed below. Follow the orders checked in item 1 below. If you do not, the judge can fine you, send you to jail, or block you from the case.

1. The nature or amount of the hearing or deposition is: **Change Bailor Detention Facility**

2. The hearing or deposition is: **At the hearing.**
 At the deposition.
 Provide a copy of these items to the court or use the form to obtain Juvenile Court records:

If you have in possession, custody or control any items listed on the attached check list, "Provide These Items," if necessary it is imperative for maintaining the items checked in 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 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786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

3. Court hearing date: _____
Time: 8:30 AM
Case: 051211 Fee: \$30 If court hearing will be at your and witness's court
Date: 10/15/11 File #: _____ Superior Court, San Diego County
Case: 10/15/11 File #: 100 Third Avenue, Chula Vista, CA 91910

4. The person who has required you to attend court or provide documents is:
Name: Susan J. Whelan Phone No.: 619-243-7233
Address: 1223 Third Avenue San Diego, CA 92143
San Diego, CA 92143
City: CA State: CA
Date: 10-11-11 Signature: *[Signature]* Name and Title: _____

ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS:
Subpoena/Deposition/Discovery
(Print and attach)

PROVIDE THESE ITEMS

- All Items Ostravales filed regarding:
An affidavit that took place on August 1, 2011, at approximately 0955 hours, near House 1, Module C-COACH 107-108, 207-209
- List/Roster of all inmates who were removed on August 1, 2011 at approximately 0950 hours from House 1, Module C, QJ AD 207.

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Deal with legal papers:
Subpoenas 6.123
Subpoena Duces Tecum

WHAT DO WE DO?



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What do we do?

- Deal with legal papers: Summons and Complaint

ALL 001 (Rev. 1/05) Summons in Civil Action

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case No. 1:07-cv-01657-AJB-BGS

Summons in a Civil Action

To the Plaintiff(s) named and defined:

Case No. 1:07-cv-01657-AJB-BGS

Michael R. Marrion
Attorney at Law
LAW OFFICE OF MICHAEL R. MARRION
614 Fth Avenue, Suite D
San Diego, CA 92101

W. Samuel Harnisch, Jr.
CLERK OF COURT

St. V. Borjas
Signature of Clerk or Deputy Clerk

Case 3:11-cv-01657-AJB-BGS Document 1 Filed 07/26/11 Page 1 of 10

1 Michael R. Marrion (SBN 99484)
2 Attorney at Law
3 LAW OFFICE OF MICHAEL R. MARRION
4 614 Fth Avenue, Suite D
5 San Diego, CA 92101
6 Telephone: (619) 218-6900
7 Facsimile: (619) 218-6900
8 E-mail: mmarrion@ml.com

9 Attorney for Plaintiff(s)

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 MAHER DARRAI and
13 MAHER DARRAI, Case No. 1:07-cv-01657-AJB-BGS
14 Plaintiff(s), COMPLAINT FOR DAMAGES
15 AND DEMAND FOR JUST TRIAL
16 vs. 1. 42 U.S.C. § 1983—Civil Rights
17 2. 42 U.S.C. § 1983—Unlawful Policies, Violations
18 3. Negligence
19 4. False Arrest
20 5. Civil Code § 52.1 Civil Rights Violations

21 Plaintiff(s) allege:

22 JURISDICTION

23 1. This is a lawsuit for money damages and is brought pursuant to 42 U.S.C. § 1983,
24 et seq., and the Fourth Amendment to the United States Constitution, for personal injuries
25 and violation of constitutional rights by defendant County of San Diego and its sheriff(s)
26 against [REDACTED]. Jurisdiction is founded on 28
27 U.S.C. Section 1331 and 1345 and the aforementioned statutory and constitutional
28 provisions. State law claims of negligence, battery, false arrest and Civil Code section 52.1
civil rights violations are alleged as well. Plaintiff(s) invoke the Court's supplemental
jurisdiction to consider these state law claims.

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Deal with legal papers:
Summons and Complaints 6.124
How should you handle service issues?

WHAT DO WE DO?

49

What do we do?

- Deal with legal papers:
 - Summons and Complaints 6.124
 - Request for representation:

DATE: 10/2/11

TO: Sheriff's Legal Affairs Division
Office of the Sheriff (541)

FROM: Dwight John Smith
(Owner of vehicle)

SERVICE OF SUMMONS AND COMPLAINT NO. 11ca1557 ab hys

Enclosed is a copy of a summons and complaint served on the following individual:
Dwight John Smith
(Please write name of person served)

METHOD OF SERVICE: Personal Mail

DATE OF SERVICE: 10-6-11 TIME OF SERVICE: 1300

PLACE OF SERVICE: State Station

I subscribe that I accepted service of the enclosed summons and complaint as noted above.

Further, I request that County Counsel represent me in this matter.

Dwight John Smith 508-876-2218
Phone Number(s)

Enclosure: Summons and Complaint

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California Public Record Act requests (CPRA) P&P 7.3



WHAT DO WE DO?

51

Appear in Court on Behalf of Department
Detentions
Law enforcement
Liaison with Courts over legislative issues

WHAT DO WE DO?

52

Review P&P's
Provide training
Provide Legal Updates to Department
Review Training Bulletins

WHAT DO WE DO?



53

The end

■ ***Questions?***



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